

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WILLIAM NORTON)
Plaintiff)
v.)
TOWN OF WHITMAN,)
JAMES STONE, JR.,)
MATTHEW POORE,)
STEPHEN DRASS,)
PETER AITKEN,)
SCOTT BENTON,)
ANDREW STAFFORD,)
JASON H. BATES,)
JOHN SCHNYER)
Defendants)
)

C. A. No. 04-11854 JLT

11854-04 P 12 73

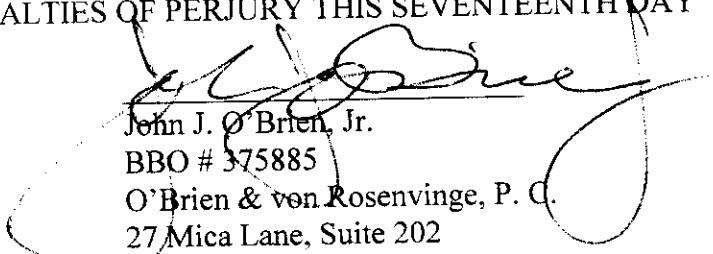
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**CERTIFICATION IN COMPLIANCE WITH
LOCAL RULE 16.1(D)(3)**

I, John J. O'Brien, Jr., under oath hereby depose and state as follows:

1. I am a partner with the law office of O'Brien & von Rosenvinge, P. C. and represent the Defendants, Town of Whitman, James Stone, Jr., Matthew Poore, Stephen Drass, Peter Aitken, Scott Benton, Andrew Stafford, Jason H. Bates, and John Schnyer.
2. In anticipation of a scheduling conference, I have conferred with Ms. Carolyn Hamel of Massamount Insurance Agency with regard to establishing a budget for the cost of conducting the full course of litigation as well as the various alternative courses of resolution such as Alternative Dispute Resolution and Mediation. The Defendants need to develop further information before a decision can be made as to whether this case is appropriate for settlement, ADR or full litigation.

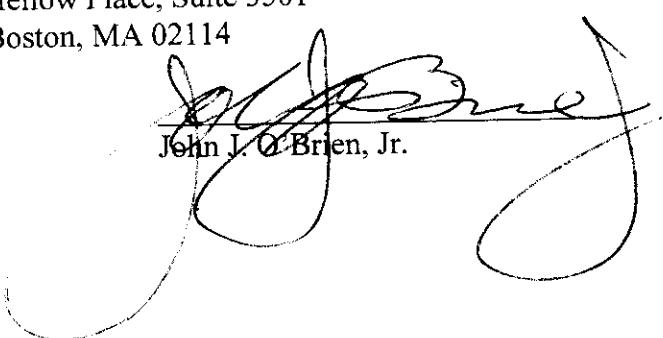
SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS SEVENTEENTH DAY
OF SEPTEMBER, 2004.


John J. O'Brien, Jr.
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CERTIFICATE OF SERVICE

I, John J. O'Brien, Jr., attorney for the Defendants in the within action, hereby certify that I have this day served a copy of **CERTIFICATION IN COMPLIANCE WITH LOCAL RULE 16.1(D)(3)** by mailing a copy thereof, postage prepaid, to:

Robert S. Sinsheimer, Esq.
Sinsheimer & Associates
4 Longfellow Place, Suite 3501
Boston, MA 02114


John J. O'Brien, Jr.

Dated: September 17, 2004